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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,592	04/14/2000	Yoshiki Shiraishi	Q58859	8442

7590 12/21/2004
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EXAMINER

FLETCHER, JAMES A

ART UNIT PAPER NUMBER

2616

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/549,592

Applicant(s)

SHIRAISHI ET AL.

Examiner

James A. Fletcher

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 2-7.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



ANDREW FAILE

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 5. does NOT place the application in condition for allowance because: Response to Arguments

In re page 2, applicant's representative states, "when the controller detects control information on the information medium indicating that the play back of the information medium should be 'stops', the controller stops the play back and communicates, i.e., 'reports', e.g. to a user of the reproducing device, the condition of the play back operation..."

The examiner respectfully disagrees. As claimed, the present invention reports a play back state, but the claim makes no indication as to where that report of the play back state is directed. The reference, as cited, directs the indication to the character display. However, the reference also provides indications of the play status to the operator, displaying a still image when a stop code character is detected from the video signal. See Col 42, lines 25-34.

In re page 3, applicant's representative again states: "the 'stopped' condition is reported to the user.

Again, this is not part of the language of the claim.

Further in re page 3, applicant's representative states: "A skilled artisan simply would not have interpreted the 'characters' in Moriyama as reporting the play back control state as required by the claims."

The examiner respectfully disagrees. On-screen displays are well known to those of ordinary skill in the state of the art, and such display require the use of alphanumeric or other characters.

In re page 4, applicant's representative states: "The control codes stored in the buffer memory in Moriyama, however, are entirely different than the claimed 'report data' and, moreover, Moriyama nowhere discloses that the 'steps of processing' includes 'reporting the play back control state' as required by the claim."

Again, the examiner respectfully disagrees. The control codes in Moriyama are not distinguishable from the report data of the application in that they both indicate the status of the player. See Col 42, lines 25-34.

The examiner would like to note that the specification and drawings indicate that this invention is a player installed in a vehicle, with the screen generally visible to the driver, and that while the vehicle is in motion, the player does not play entertainment data from the media. The cessation of playing of the entertainment data is caused by signals from various parts of the vehicle to indicate the motion condition of the vehicle. The player disclosed by Moriyama receives its control data (stop data at least) from the media itself. The examiner notes that including the external source of control data representative of the motion status of the vehicle would easily overcome the cited reference..